

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
FINAL TRANSPORTATION ORDERS
Selected for Publications
November 2003

November 26, 2003

In re Application No. D-079145 of

DOCKET NO. TC-030489

SEATAC SHUTTLE, LLC, d/b/a
SEATAC SHUTTLE

ORDER NO. 03

For a Certificate of Public
Convenience and Necessity to
Operate Motor Vehicles in
Furnishing Passenger and Express
Service as an Auto Transportation
Company

FINAL ORDER ON ADMINISTRATIVE
REVIEW; GRANTING MOTION TO
STRIKE; DENYING MOTION TO
RESPOND; AFFIRMING AND
ADOPTING INITIAL ORDER;
GRANTING APPLICATION

Generally, the Commission will only consider factual information that is on the record of a proceeding. Because it is not part of the record, the Commission will not allow a response to material that has been stricken. *¶ 21, 23; RCW 34.05.461(4).*

The Commission will grant overlapping authority to serve a requested territory when the existing carrier does not provide service there to the satisfaction of the Commission. *¶ 68; RCW 81.68.040.*

The test for whether a protestant provides service to the Commission's satisfaction is an objective test, based on whether the service meets the needs of the public. *¶ 33; RCW 81.68.040.*

To prove a public need, an applicant must only demonstrate that the existing service fails to meet the reasonable needs of the traveling public, and that the applicant's service would meet those needs. An applicant need not present evidence that supports a need for the service of two carriers. *¶ 37; RCW 81.68.040.*

An action is arbitrary and capricious if it is willful and unreasoning and taken without regard to the attending facts or circumstances. *¶ 46; RCW 81.68.040; RCW 80.01.040.*